

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ESTHER ARIAS)	
)	CASE NO. 06-10092-DPW
vs.)	
)	
UNITED STATES OF AMERICA)	
_____)	

GOVERNMENT’S MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO SECTION 2255 PETITION

The United States, by its undersigned counsel, moves this Court for an extension of time in which to respond to the Motion To Vacate, Set Aside, or correct Sentence Pursuant To 28 U.S.C. § 2255 filed by Esther Arias (“Petition”). Arias’ motion raises claims of ineffective assistance of counsel in this case.

Government counsel filed today the Government’s Motion For Order Re: Attorney-Client Privilege On § 2255 Petition. For reasons set forth in the Motion For Order, Arias has put at issue correspondence, records, communications and information formerly protected by her attorney-client privilege and has thereby waived that privilege. Accordingly the Government must have access to, and time to review, formerly privileged matters in order to respond to the Petition. Moreover, the Government requests additional to respond to the Section 2255 motion in order to have time to review the Section 2255 motion itself to discern what claims Arias is attempting to assert, and to review the extensive record of this case.

WHEREFORE, the Government seeks an extension of time and requests that it be permitted to file its response to Arias’ motion 60 days after this Court’s ruling on the Government’s Motion For Order Re: Attorney-Client Privilege On § 2255 Petition, or 60 days after former counsel for Arias provide such information as this Court may order to be disclosed, whichever date is later.

Respectfully submitted this 30th day of November, 2011.

CARMEN M. ORTIZ
United States Attorney

By: /s/ Victor A. Wild
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CERTIFICATE OF SERVICE

I certify that this submission filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) , by Certified Mail to Esther Arias, FCI Danbury, Federal Correctional Institution, Route 37, Danbury CT 06811, by first class mail to Jose Espinosa, Esq., 11 Green Street, Jamaica Plain, MA 02130, and by first class mail to John P. Moss, Esq., 675 Massachusetts Avenue Cambridge, MA 02139.

/s/ Victor A. Wild
VICTOR A. WILD
Assistant U.S. Attorney